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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,879	11/06/2001	Joseph Nardone	003636.0126	4505

7590 07/05/2005

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EXAMINER

TRAN, QUOC A

ART UNIT PAPER NUMBER

2176

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/985,879

Applicant(s)

NARDONE ET AL.

Examiner

Quoc A. Tran

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-45.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

6/30/2005

Continuation of 11. does NOT place the application in condition for allowance because: The Office has completed a through study of Applicant's Remarks of 06/21/2005; but does not place the application in condition for allowance because: Responses to Remarks pages 18-20: In regard to the rejection of claims 1-2, 4-20, 22-29, 30-31, 33-40, 41-42 and 45, Applicant argues that, Hawkins failed to disclose, how the synchronization program that selects two databases is created, and the Office has not established a prima facie case of Hawkins in further view of Pajakowski. The Office respectfully disagreed, for more detail see the previous rejection, and the following reasons: Also as illustrated at Figure 4 sheet 4 of 7, Hawkins disclosed a block diagram of an architecture for synchronizing databases on a handheld computer system and a personal computer system. The synchronization architecture illustrated in FIG. 4 accommodates several different application programs with associated databases running on the personal computer 150 and the handheld computer system 110, wherein connecting said first computer system to said second computer system with a data communications link; providing a library of functions in said second computer system for accessing information on said first computer system; creating a conduit program database, said conduit program database for storing a list of conduit programs that may be executed, registering a first conduit program by placing an identifier for said first conduit program in said conduit program database, said first conduit program comprising a computer program on said second computer system for performing a specific data transfer task; successively executing a set of conduit programs identified within said conduit program database from a manager program, each of said conduit programs accessing said library of functions for communicating with said first computer system; these evidenced the processes of Hawkins's teaching of how the synchronization program that selects two databases is created. Hawkins does not explicitly teach, " graphical user interface ", however, as taught by Pajakowski at col. 15, lines 33-37 and col. 18, lines 5-40, wherein the GUI was utilized such as Palm type handheld computer style interface, wherein the PC module provides the mechanism for moving data collected on the handheld computer to a personal computer. This serves three primary purposes: to provide memory for additional records on the handheld computer, to consolidate data from multiple handheld computers, and to allow the data to be analyzed by applications external to the system (i.e. databases, spreadsheets, etc.) The PC module also serves as the mechanism for moving program updates onto the handheld computer. Application files that are obtained over the internet, by email, or on disk can be loaded into the handheld computer's memory, also programs and files are moved to and from the handheld computer through standard interface pathways called 'conduits.' Packaging these items as conduits allows the system to utilize a great deal of functionality that already exists through the handheld support package. It also allows the transfer of this information (called synchronization) to be integrated with the transfer of data from other applications residing on the handheld computer (e.g. calendar, address book, task list, etc.). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Pajakowski into Hawkins to provide a way to include the feature, wherein the graphical user interface is embedded in the system. One of ordinary skill in the art would have been motivated to perform such a modification to provides a convenience, portability, low cost for display and upload of handheld devices with limited storage and computing capabilities, limited battery life and their limited porting capabilities, as taught by Pajakowski at col. 2, lines 25-50 (i.e... convenience, portability, low cost make them desirable as a device for assisting in the extraction, display and upload of engine/vehicle information for transfer, e.g. via the internet...). There for claims 1-2, 4-20, 22-29, 30-31, 33-40, 41-42 and 45 remain rejected. Responses to Remarks pages 20-22: In regard to the rejection of claims 3, 21, 32, and 43-44, Applicant argues that, Hawkins2 failed to disclose, how the synchronization program that selects two databases is created, and the Office has not established a prima facie case of Hawkins in further view of Pajakowski. The Office respectfully disagreed, for the same responses to Remarks pages 18-20 above. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In this case the Office rejected claims 3, 21, 32, and 43-44 under 35 U.S.C. 103(a) as being unpatentable by Hawkins et al. US Patent No. 6,000,000 issued 12/07/1999 filed 05/04/1998 (hereinafter '000), in view of Pajakowski et al. US Patent No. 6,718,425 B1 issued 04/06/2004 filed 05/31/2000 (hereinafter '425), further in view of Hawkins et al. US Patent No. 6,330,618 issued 12/11/2001 filed 05/25/1999 (hereinafter '618), see the detail of the rejection above. There for claims 3, 21, 32, and 43-44 remain rejected. .

William L. Bashore
WILLIAM BASHORE
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6/30/2005